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UNITED STATES DISTRICT COURT

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1 Defendant Google, Inc.'s Motion to Dismiss Plaintiffs' Unjust Enrichment Claim in the
2 Second Amended Complaint, brought pursuant to Federal Rule of Civil Procedure 12(b)(6),
3 having come on for hearing, the Court having considered all relevant documents and evidence
4 and having considered the arguments of counsel, and good cause appearing therefor:

5 IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Plaintiffs' Unjust
6 Enrichment Claim in the Second Amended Complaint is granted and plaintiffs' claim for unjust
7 enrichment is dismissed, without leave to amend, pursuant to Federal Rule of Civil Procedure
8 12(b)(6).

9
10 DATED: _____, 2006

Honorable James Ware
U.S.D.C., Northern District of California

12 Respectfully submitted:

13 **PERKINS COIE LLP**

14 By _____ /s/
15 David T. Biderman

16 Attorneys for Defendant
17 Google, Inc.

PROOF OF SERVICE

I, Susan E. Daniels, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of 18 years and am not a party to the within action. My business address is Perkins Coie LLP, 180 Townsend Street, 3rd Floor, San Francisco, California 94107-1909. I am personally familiar with the business practice of Perkins Coie LLP. On May 18, 2006, I served the following document(s):

[PROPOSED] ORDER GRANTING DEFENDANT GOOGLE, INC.'S MOTION TO
DISMISS PLAINTIFFS' UNJUST ENRICHMENT CLAIM IN THE SECOND
AMENDED COMPLAINT

by placing a true copy thereof enclosed in a sealed envelope addressed to the following parties:

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the Proposed Class

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(By Mail) I caused each envelope with post collection and mailing following the ordin

Attorney for Plaintiffs and
the Proposed Class

XXX (By Mail) I caused each envelope with postage fully prepaid to be placed for collection and mailing following the ordinary business practices of Perkins Coie LLP.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed at San Francisco, California.

DATED: May 18, 2006.

/S/

Susan E. Daniels

[PROPOSED] ORDER GRANTING DEFENDANT
GOOGLE, INC.'S MOTION TO DISMISS PLAINTIFFS'
UNJUST ENRICHMENT CLAIM IN THE SECOND
AMENDED COMPLAINT
CASE NO: C 05-03649 JW